

Application No.: 10/725,290

Docket No.: 22040-00021-US

**REMARKS**

Claims 1-6 remain pending in this application. Claims 1, 2, 4, and 6 are independent. Claims 1-4 and 6 have been amended, and no claims have been added or canceled by this amendment.

**§112, ¶2 Rejections for Indefiniteness**

Withdrawal of the rejection of claims 4 and 5 under 35 U.S.C. §112, second paragraph, as being indefinite, is requested. Claim 4 has been amended in a way which is believed to overcome the stated basis for indefiniteness.

**§102(b) Anticipation Rejection Over Rodriguez**

Withdrawal of the rejection of claims 1-3 and 6 under 35 U.S.C. §102(b) as being anticipated by Rodriguez (US 5,986,498) is requested.

Applicant notes that anticipation requires the disclosure, in a prior art reference, of each and every limitation as set forth in the claims.<sup>1</sup> There must be no difference between the claimed invention and reference disclosure for an anticipation rejection under 35 U.S.C. §102.<sup>2</sup> To properly anticipate a claim, the reference must teach every element of the claim.<sup>3</sup> "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference".<sup>4</sup> "The identical invention must be shown in as complete detail as is contained in the ...claim."<sup>5</sup> In determining anticipation, no claim limitation may be ignored.<sup>6</sup>

The applied art does not disclose an audio amplifier, which includes, among other features, "...voltage conversion means arranged in a latter stage of said amplification means for

<sup>1</sup> *Titanium Metals Corp. v. Banner*, 227 USPQ 773 (Fed. Cir. 1985).

<sup>2</sup> *Scripps Clinic and Research Foundation v. Genentech, Inc.*, 18 USPQ2d 1001 (Fed. Cir. 1991).

<sup>3</sup> See MPEP § 2131.

<sup>4</sup> *Verdegaal Bros. v. Union Oil Co. of Calif.*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

<sup>5</sup> *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

<sup>6</sup> *Pac-Tex, Inc. v. Amerace Corp.*, 14 USPQ2d 187 (Fed. Cir. 1990).

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performing a voltage conversion from an input voltage to the output voltage, *wherein said voltage conversion means provides the output voltage at a voltage greater than the input voltage*", as recited in independent claim 1, as amended.

Further, the applied art does not disclose an audio amplifier, which includes, among other features, "...a transformer arranged in a latter stage of said power switch which performs a voltage conversion based on the audio signals supplied by said power switch, *wherein an output voltage provided by the transformer is greater than the first power source voltage*", as recited in independent claim 2, as amended.

In addition, the applied art does not disclose an audio amplifier structured to drive an audio output through plural switched transistors, which includes, among other features, "voltage conversion means for converting an input current into an output voltage arranged between amplification means for amplifying and outputting audio signals based on a power source voltage supplied to said transistors and said audio output means, *wherein said output voltage is greater than the power source voltage*", as recited in independent claim 6, as amended.

Therefore, since the applied art does not disclose all the claimed limitations of at least independent claims 1, 2, and 6, reconsideration and allowance of these claims are requested.

Further, as dependent claim 3 depends from now allowable claim 2, reconsideration and allowance of claim 3 is also requested.

#### Allowable Subject Matter

Applicant notes with appreciation that claims 4-5 are drawn to allowable subject matter, and would be allowed if rewritten in independent form.

In reliance upon the indication of allowable subject matter, dependent claim 4 has been rewritten in independent form, taking care to avoid the previously applied rejection for indefiniteness.

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Accordingly, allowance of claims 4-5 is requested.

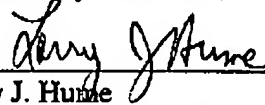
**Conclusion**

In view of the above, each of the presently pending claims 1-6 in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

In the event that the Examiner believes an interview would be helpful in resolving any outstanding issues in this case, the undersigned attorney is available at the telephone number indicated below.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 22-0185, under Order No. 22040-00021-US from which the undersigned is authorized to draw.

Respectfully submitted,

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